

SHIPPING INTELLIGENCE

ARRIVED.

Friday, Sept. 26.
Strmr. Mauna Loa, from Honolulu, at 5:30 a. m.

Saturday, Sept. 27.

Strmr. Claudine, Parker, from Hilo and way ports, at 11:30 a. m.

Am. bktn. Hawaii, McLeod, 42 days from Newcastle, at 10 a. m. anchored off port en route to Eleese.

Am. bktn. sighted off Koko Head supposed to be the Lahaina, Carlson, 52 days from Newcastle, en route to Eleese.

Strmr. Nohau from Honolulu, Lahaina and Kukuiahae, at 4:44 a. m.

Am. bktn. Planter, Chase, from San Francisco.

Sunday, Sept. 28.

S. S. Aorangi, Phillips, at 6 a. m. from Victoria and Vancouver.

Strmr. W. G. Hall, from Kauai ports, at 2:15 a. m.

Strmr. Nihau, from Lanai, at 7:40 p. m.

Strmr. Kauai, from Kauai ports, at 4:25 a. m.

Monday, Sept. 29.

Schr. Concord, from Kukuiahae, at 6 a. m.

DEPARTED.

Friday, Sept. 26.

S. S. China, Friele, for the Orient, at noon.

Strmr. J. A. Cummins, for Koolau ports, at 7 a. m.

Am. bk. Albert, Turner, for Laysan Island, at 2 p. m.

Sunday, Sept. 28.

Am. bktn. James Tuft, Fridburg, for the Sound in ballast, at 10 a. m.

S. S. Aorangi, Phillips, for Suva, Brisbane and Sydney, at 2:05 p. m.

Monday, Sept. 29.

Strmr. Waialeale, for Eleese, at 5 p. m.

Strmr. Ke Au Hou, for Kapaa, Anahulu, Kilauea, Kailiwa and Hanalei, at 5 p. m.

Strmr. Lehua, for Molokai ports, at 5 p. m.

Schr. Lady, for Koolau ports, at 5 p. m.

Schr. Kawailani, for Koolau ports, at 5 p. m.

PASSENGERS.

Arrived.

Per strmr. Mauna Loa, September 26, from Kau—S. R. Rose, Dr. H. Maynard, Ray Maynard, Miss Brunton, Father Duault, Miss M. McIntyre, from Kona—Miss Kaupiko, Father Victor, Father John, J. Henriques, Mrs. T. Bush and child, T. Manley, T. Birch, C. H. Smith, G. Baker, Prince Albert Kuniakaka, from Maialaea—D. J. McKay, Judge Barrows, H. Howell, Father James, Father Lebert, E. Simmons, E. H. Wodehouse, Mrs. Wodehouse, G. Robertson, James Robertson, from Lahaina—Mr. Robertson, A. Waai and 42 deck.

Per strmr. W. G. Hall, Sept. 28, from Kauai ports—Mrs. R. Fountain, Mrs. C. M. Cooke, C. M. Cooke, Mrs. Kane-wanui, Miss E. Beckert, Mrs. W. Nye, Master H. Nye, C. W. Moto, Ah Sing, Ah Ling, V. S. Clark, E. H. Russell, L. Leach, Mrs. H. Walters, H. Walters, Father Adelbert, Dr. Hutchinson, J. F. Dillon, A. Freis, E. E. Conant, Mrs. E. Broadbent, Mrs. E. Broadbent, Father Emmer.

Per strmr. Nohau, from Kukuiahae, Sept. 27—J. S. Rickard to Lahaina and 26 deck to Honolulu.

Per strmr. Maui, September 28, from Maui ports—Robt. Plunkett, Konda, Dr. McMillan, Father Maximin, J. A. Tuthill, T. B. Gregg, Miss L. Haulani, Miss A. Whitlock, H. Galbraith and wife, P. Ehlers, H. Ehlers, Miss E. J. Hamilton, G. Schuman, Wm. White and wife and 42 deck.

Per S. S. Aorangi, from Victoria and Vancouver, Sept. 28—Mr. and Mrs. T. Clive Davies and child, Miss M. Jones, Wm. O. Lamson, Miss L. Ward, T. C. Chapman, J. E. Dickette, Miss Harding, Mrs. Stein, Miss Stein, J. C. Fitzgerald, Mr. Sowden, A. G. Buid, Mrs. Buid, R. L. Barnes, Miss M. Chapman, Mrs. A. D. Chapman, E. Benson, H. G. Grentex.

From Hilo and way ports, per strmr. Claudine, Sept. 27—P. Willake, S. Babcock, Miss E. D. King, Miss E. Stevens, E. W. Hively, Geo. P. Dennison, Mrs. T. A. Hays, Miss C. Snow, Philip Peck, Dr. Grace, Father Madron, Ulrook, Otto, Oliver, Capt. Cameron and wife, J. Travis, Mrs. E. M. Brown, Mrs. R. P. M. Greeley, D. H. Madison, Hans Johnson, Frank Truner, G. B. Curtis, H. G. Danford, wife, son and maid; H. B. Gehr, Miss Clara Smith, J. A. Smith, wife and child, E. Langer, Iwamoto, Mrs. M. S. Perry, Master A. Perry, Geo. Wilson, C. B. Olsen, Konk W. Lung, Hoag Hop Long, Father Ulrick.

HILO.

Arriving, September 29, Am. schr. Emma Claudine, Mikkelsen, 23 days from Eureka; September 21, Am. schr. Kona, Dinsmore, 27 days from Seattle; September 20, Am. schr. R. C. Slade, Sonerud, 23 days from Port Townsend; September 21, Am. schr. Vine, Forbes, 22 days from Eureka; September 23, Am. bk. Martha Davis, McAllman, 20 days from San Francisco.

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HAD CATTLE FOR THE LANAI RANCH

The steamer Nihau arrived in port last night after having made a special trip from Honolulu to Kauai, thence to Nihau, to Lanai and back to Honolulu. The Nihau picked up 104 cattle at Nihau and transported them to Lanai where they were placed on Charles Gay's ranch. The vessel had a rough trip in crossing a channel on the way to Lanai, but a fine trip from Lanai to Honolulu.

LAST ASSESSMENT.

Oceanic Steamship Stock Is Now Fully Paid Up.

SAN FRANCISCO, Sept. 18.—When the last assessment on Oceanic stock, levied yesterday, shall have been paid it will be fully paid up; that is to say, it will have cost the holders or those who have in succession held it, just \$100 a share.

The final assessment is \$7.75 a share and the stock is poorer than it was on the day the last previous assessment was levied. In the language of the street, the stock has not carried the assessment. On October 18th, when the last assessment becomes delinquent, the stock, if it carry the assessment, should go to \$21.25, but no one imagines it will do so, for the reason that the stock has no vitality and cannot be galvanized into life while there is such a heavy overdraft.

Whether the overdraft be \$550,000 or \$600,000, the fact remains that some means of raising money must now be found, because no more assessments can be levied. The new steamers that cost so much more than it was intended they should are not paying; freight offerings are light, and the operating expenses are heavy.

Activity of the Volcano.

Purser Willie Simerson of the steamer Mauna Loa always smiles when people ask him about the volcano. The reason for this is that he is always met by a number of reporters at the wharf in Honolulu whom he knows he will disappoint if he has no news of fresh outbreaks. He says that on his latest trip while at Kailua he received a telephone message on Wednesday from the Volcano House stating that Kilauea had suddenly increased in activity. No message has been received concerning the matter by "wireless" but it is possible that the Claudine may have news of the volcano on her arrival from Hilo today.

Sierra Is Due Today.

The Oceanic liner Sierra is due today from Sydney, Auckland, Pago Pago, and Fanning Island. As the vessel is making her first call at Fanning she may bring along some of the people of that island who will be glad of the opportunity to make a trip from the isolated isle. Fanning Island is about four miles in width by fourteen in length and the center of it is a big lagoon so that there is only about a mile in width of land all around it. The island is low, heavily wooded, and said to be quite a pleasant place to live in despite its loneliness.

German Warships Daily Expected.

Although no news has been received as to the time when the German warships will be due at this port it is stated at the navy station that they may arrive any time. The German residents of Honolulu will probably give officers and men an enthusiastic welcome to the port. The Cormoran is to come from Apia and the Sierra may be able to give news as to the time when she may be expected to arrive.

VESSELS IN PORT.

U. S. S. S. Iroquois, Rodman, from Kanaunakakai, on Sept. 5.

MERCHANTMEN.

(This list does not include coasters.)
S. N. Castle, Am. bktn., Nilson, San Francisco, August 25.
John Currier, Am. sp., Murchison, Newcastle, Sept. 5.
James Tuft, Am. bktn., Newcastle, Sept. 6.
Julia E. Whalen, Am. schr., Rosehill, Marcus Island, Sept. 10.
James Johnson, Am. bktn., Bennecke, Newcastle, N. S. W., Sept. 15.
Kikikat, Am. bktn., Cutler, 24 days from Port Townsend.

Helene, Am. schr., Christiansen, San Francisco, Sept. 20.
Florence, Am. sp., Spicer, Tacoma, Sept. 20.
Alice Cooke, Am. schr., Penhallow, Port Gamble, Sept. 21.
Albert, Am. bk., Turner, San Francisco, Sept. 21.
Andromeda, Nor. bk., Rotter, Iquique, Sept. 23, in distress.

A CERTAIN CURE FOR DYSENTERY AND DIARRHOEA.

"Some years ago I was one of a party that intended making a long bicycle trip," says F. L. Taylor, of New Albany, Bradford Co., Pa., U. S. A. "I was taken suddenly with diarrhoea, and was about to give up the trip, when editor Ward of the Laceyville Messenger suggested that I take a dose of Chamberlain's Colic, Cholera and Diarrhoea Remedy. I purchased a bottle and took two doses, one before starting and one on the route. I made the trip successfully and never felt any ill effect. Again last summer I was almost completely run down with an attack of dysentery. I bought a bottle of this same remedy, and this time one dose cured me." Sold by all dealers and druggists. Benson, Smith & Co., Ltd., agents for Hawaii.

BORN.

AT the Kapoli Home, September 26, a son, to the wife of A. N. Crockett, of Hauula.

HARBOR CLAIMS ONE MORE VICTIM

Native Sailor of the Steamer Ke Au Hou Was Drowned.

Honolulu harbor has claimed another victim. It was not from poor lighting this time, however. Yesterday the badly mutilated body of a native was taken from the water near the Inter-Island Steamship Company's wharf. It was identified by sailors belonging to the steamer Ke Au Hou as that of a sailor who has been employed on that steamer and who was known only as "Charley No. 4."

When the steamer Ke Au Hou came into port on Saturday this sailor left the vessel and was seen late Saturday evening in an uptown saloon drinking. This was the last that was seen of him until his body was found. It was at first surmised that he tried to find the Inter-Island wharf later in the evening and that he may have walked from the Esplanade right over the roadway into one of the Inter-Island docks but this theory was later disproved by the finding of the man's coat and hat on the steamer, indicating that he had boarded the vessel and perhaps later fell overboard while going out on deck to get water to ease his thirst.

The company employs a watchman who spends the whole night on the wharf and this man says that he heard no unusual noise on the steamer.

Yesterday afternoon the Ke Au Hou was working its propeller and this caused the water to be stirred up and the body to be washed up to the surface, where it was seen by one of the men on the steamer, floating. A native got down on the wharf and pulled the body against the wharf where a small rope was attached to the wrist and in this way the corpse was fastened until the police arrived on the scene. Then the body was fished out of the water and taken to the morgue.

When found the only clothing on the body was a shirt, a pair of trousers, and a pair of shoes. Crabs had eaten the greater portion of the face away.

Shipping Notes.

The Ventura is due from San Francisco tomorrow.

The Claudine leaves for Hilo and way ports at noon today.

The schooner Malolo is loading for Hanalei and Kailiwa.

The Peru will probably arrive from the Orient this afternoon.

Very little of the hull of the Twilight now shows above water in The Row. The vessel is almost completely broken up.

The barkentine Hawaii and Lahaina will sail for the Coast in ballast after discharging their coal cargoes as no sugar is available.

REAL ESTATE TRANSACTIONS

List of deeds filed for record September 29, 1902:

First Party—Second Party. Class.
N. Mahoe—H. Long D
A. M. Potemkin & wf—J. S. Peleira D
Hoolae—Momonaka et al. D
M. Martins—M. de J. Martins D
W. G. Anderson Jr.—M. da Costa D
W. C. Achi—D. de Medeiros D
W. R. Castle Tr.—Ed. Davis D
W. W. Ahana—Hawm. Dredging D

Sept. 22—Kaukaaha to Haaheo et al., D, Kul 5701 Niuli, N. Kohala, Hawaii; con \$1 etc.

M. Pavao Jr & wf to M. da Camara, D, por lot 19 Gr 4267 Kailiwa lots, Hilo, Hawaii; con \$88.

Kaukaaha to Lepeka et al., D, por Ap 1 R P 776 Niuli, N. Kohala, Hawaii; con \$1.

Kaukaaha (k) to K. Kealoa, D, por R P 776 Niuli, N. Kohala, Hawaii; con \$1 etc.

J. W. A. Redhouse & wf by mtgee to Cecil Brown, D, lots 5 & 7 blk 39 Kaimukui tract, Honolulu, Oahu; con \$220.

R. Watson & wf et al. to Annie Kellett, D, por of mauka por. of Ap 2 Kaneohe, Koolau, Oahu; con \$10.

Napoe & hsb to Annie Kellett, D, R P 1418 Kul 4240B, Heela, Koolau, Oahu; con \$275.

Hawm. Automobile Co Ltd by mtgee to Castle & Cooke Ltd, R P 5701 Kul 637 & pe land King St., Honolulu, Oahu; con \$20,000.

Sept. 23—Wm C. Achi & wf to S. Apalona et al., D, lot 2 blk 6 Kapiolani tract, Honolulu, Oahu; con \$500.

Wong Chong & wf to Joe da C. Pimental, D, grant 4271 Kalawa, N. Kohala, Hawaii; con \$1680.

Gom Moon to Y. Ahoo & Co., D, 1-24 int in Y. Ahoo & Co., pe land, bldgs., etc., cor Vineyard & River Sts., Honolulu, Oahu; con \$225.

Sept. 24—Mrs K. Singer to Theresa Schlemmer, D, por Kul 10498, Kalihi, Honolulu, Oahu; con \$5000.

Kaiwi (k) to P. Ki (k), D, int in R P 582 Koali, Hana, Maui; lease of R P 382 Koali, Hana, Maui; con \$20.

P. Ki & wf to R. A. Drummond, D, 54 acres land Koali, Hana, Maui; con \$37.50.

AUSTIN EVADES HEARING

(Continued from Page 1.)

Act, in respect of any suspension in this behalf. Being so bound, your note will be legal, only as they conform to the intent of that Act. The language of that Act is very plain to the effect that the auditor can be suspended only for certain faults therein specified, which obviously implies that he must be shown to be guilty of some one or more of such faults, before your right of suspension can be called into exercise. Such suspension being by that Act provided as a penalty for such faults, or any of them, it follows that the penalty cannot be imposed until the fault is established. It should not be necessary for me to remind you that a person's, or an official's guilt is not established by the fact of the preferment of charges against him. It requires a hearing or trial, which should be had only upon due and reasonable notice to the accused, the adding of evidence in support of the charges, with opportunity for the accused to be heard in defence, before his guilt can be established in such a sense as to call into play the right of the Government, or of any official thereof, to visit upon the accused any penalty, whatever. You will pardon my assertion in this place of truths and principles of law so elementary and obvious as the foregoing, but your departure from those principles, in your attempted suspension of me without hearing or opportunity for defence must be my excuse for recalling your attention to these landmarks of personal liberty and official obligation.

3. Your assumed suspension of me from my office as Auditor of this Territory, having been duly and regularly appointed, confirmed and commissioned in the premises, I claim that my right to the full and free exercise of my official functions, and of the full and unrestrained command and custody of my office, and of the books and records thereof, and of the employees engaged in my said office, is at the present time as full and complete as before the receipt by me of either of your communications herein acknowledged. But you, Sir, acting without legal warrant, have seen fit to employ the police of this city to forcibly exclude me from my said office and from the due, or any exercise of the duties thereof. Ready, as I am, and shall be, at all times, to respond to legal instructions, and to obey the law, as an officer of the Government of this Territory, I invoke, at your hands, an equal respect for that rule of conduct which applies with equal force to you and to me. Destitute of legal authority to remove or suspend me, you have appealed to illegal violence; but you are respectfully reminded that legal rights, and especially, title to official place and authority, are not determined by violence.

I have the honor to be, Sir, Your obedient servant,
(Signed) H. C. AUSTIN,
Auditor of the Territory of Hawaii.

GOVERNOR TAKES A DIFFERENT VIEW.

"As to the matter of the right of suspension," replied Governor Dole, "I hold that the statute has not been repealed by the organic act, though the right of suspension has been amended." "I do not see any necessity for extended argument, or any argument at all," returned Robertson. "Section 10 of the Organic Act provides for the appointment of the auditor and for his removal, and expressly provides that he hold office for four years unless sooner removed as provided by the Organic Act, which I claim supersedes the statute upon which Your Excellency has acted."

"The notice of suspension sent Mr. Austin contained a clause that it should be pending a hearing," replied Mr. Dole.

"The order of suspension preceded any opportunity for a hearing, which the law under which you took the action does not provide, and it was both improper and illegal."

"I will have the evidence of the government put on now," said the governor.

Mr. Robertson resumed his seat at this point, and Mr. Ashford who had been occupying a position in the rear came forward.

"We are not here to rebut any evidence, and do not intend to do so," said Mr. Ashford, speaking rather vehemently. "We were simply notified to be present and show cause why the suspension, which we have proven is illegal should not continue in force. We have shown cause, which is all we are required to do. We had no notice of such a hearing as this, and did not come prepared to put on evidence. We have answered the charge as to suspension by showing there was no suspension and we have no further interest in this proceeding."

"The notice of this hearing, and of



DYSPEPSIA is caused by imperfect or lack of secretion of gastric juices in the stomach. If this disease is neglected Gastric ulcers appear at a certain stage and slowly eat into the lining of the stomach, poisoning the blood and preventing any nourishment being absorbed from the food. If neglected the end of dyspepsia is death by starvation unless a gnawing ulcer penetrates an artery and causes sudden death by internal hemorrhage. If you are a dyspeptic don't neglect your trouble, don't despair. Try

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It cures this agonizing ailment every time. It purifies the blood, repairs the inroads of this disease upon the tissues of the stomach, increases the secretion of the gastric juices and restores the stomach to its normal healthy state.

"I was a great sufferer from chronic dyspepsia for thirteen years, which finally became so bad that I was unable to work or do any business but Kickapoo Indian Sagwa made a new man of me. It fully restored my health and I can work with entire satisfaction, and deem it a duty to make this known, so that those suffering as I did may use Kickapoo Indian Sagwa and be benefited. I cheerfully recommend it for doing what is claimed of it."—William R. Donahue, Westcott, Nebraska.

There are thousands of others living today who were cured by it. All druggists sell it, \$1.00 a bottle; 6 bottles for \$5.00. A sample of Sagwa will be sent FREE upon request.

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the opportunity to refute the charges was sent to Mr. Austin and I am ready to hear the matter," replied the governor.

"There was no notice of this hearing, simply a citation to show cause why the suspension, which we have shown was invalid and inoperative should not continue in force. Our showing has been made, proof that there has been no suspension, and we see no reason why we should attempt to make a further showing. I wish to say however, apart from the weighty questions concerning the alleged attempt to suspend Mr. Austin that we would like to discuss in private certain other matters, which might have some bearing upon the hearing."

"You mean that you would like to have the newspaper reporters withdrawn?" asked the governor. Mr. Ashford nodded assent.

"If you gentlemen will kindly withdraw," asked the governor as the newspaper men took their departure, while Mr. Ashford explained that the request was simply to allow of a discussion of matters which could not very well be done publicly.

AUSTIN WANTS HIS SALARY.

As far as the government is concerned the matter of hearing Mr. Austin in refutation of the charges preferred is ended by his refusal to take part in the proceedings of yesterday. Unless legal proceedings are instituted by Austin nothing will be done until the Senate meets next February when the entire matter will be laid before that body for action.

"Mr. Austin has made a request for the payment of his salary during the time he is under suspension, claiming that he has not been suspended," said Gov. Dole yesterday afternoon. "A number of decisions were quoted to show that he is entitled to be paid during that time. I answered, taking the position that the money should be withheld during the time of suspension and until the matter is submitted to the Senate. If it is then decided that the suspension was illegal he can recover for the amount not paid him and which he would otherwise have received."

The Governor sent a letter to Mr. Austin setting out his reasons above given for the refusal to accede to the request, but this was not given out for publication.

Mr. Ashford, attorney for Austin, stated later that the letter had been received, but denied that a request or demand had been made for salary, saying that if this was done, it had been the act of Mr. Austin personally. He still insisted that the Governor was acting entirely without the law, and though he would not say so, he gave out the impression that legal proceedings would be instituted to compel the governor to act.

BY AUTHORITY.

MORTGAGEE'S NOTICE OF INTENTION TO FORECLOSE MORTGAGE AND OF SALE.

IN ACCORDANCE WITH A POWER of sale contained in that certain mortgage made by H. N. Kahala and Miliana Kepe, his wife, mortgagors, of Ewa, Island of Oahu, Territory of Hawaii, to Mrs. E. Humphreys, of Honolulu, Island aforesaid, dated the 19th day of March, 1888, and recorded in the Register Office, Oahu, in Liber 113, pages 288-7-8, which mortgage was, on the 5th day of June, 1901, assigned, transferred and set over to J. Alfred Magoon, mortgagee, notice is hereby given that said assignee of mortgage intends to foreclose said mortgage for condition broken, to wit, the non-payment of principal and interest when due, and upon said foreclosure will sell at public auction at the sale rooms of Wm E. Fisher, Magoon Building, corner of Merchant and Alakea streets, Honolulu, on Saturday, the 4th day of October, 1902, at 12 o'clock m. of said day, the premises described in said mortgage as below specified.

Further particulars can be had of Magoon & Peters or J. Lightfoot, attorneys-at-law, Magoon building, corner

of Alakea and Merchant streets, Honolulu.

J. ALFRED MAGOON.

Assignee of Mortgage.

Dated Honolulu, Sept. 19th, 1902.

PROPERTY DESCRIBED IN MORTGAGE.

1. All that certain tract or parcel of land situate in Puapuaiki, N. Kona, Island of Hawaii, more particularly described in Royal Patent 6716, L. C. A. 4887, to Thomas Sams, containing an area of 159 acres conveyed to said mortgagors by deed of Oana, dated July 26th, 1883, recorded in the Register Office, Oahu, in Liber 81, page 391, excepting and reserving therefrom all that portion of said lands and premises lying makai of the Government road leading from Kailua to Hilo.

2. All those certain pieces of land situate in Haleahua District of Koolau, in said Island of Oahu, and being the same premises described as Apanas 1, 2 and 3 of L. C. A. 5853 to Kamano, containing an area of 3 1/4 acres more or less, and being the same premises conveyed to said Miliana Kepe Kahulu by Kaneumi (k), by deed dated June 17th, 1885, and recorded in said office in Liber 96, page 169.

2416—Sept. 12, 19, 26 and 30.

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT, TERRITORY OF HAWAII.

Maria L. A. Choy vs. L. A. Choy—Summons. (Stamps.)

The Territory of Hawaii: To the High Sheriff of the Territory of Hawaii, or his Deputy, the Sheriff of the Island of Maui, or his Deputy, or any Constable in the Territory of Hawaii:

You are commanded to summon L. A. Choy, defendant in case he shall file written answer within twenty days after service hereof, to be and appear before the said Circuit Court at the June Term thereof, to be held at Wailuku, Island of Maui, on Wednesday, the 4th day of June next, at ten o'clock a. m. to show cause why the claim of Maria L. A. Choy, plaintiff, should not be awarded to her pursuant to the tenor of her annexed petition.

And have you then and there this writ with full return of your proceedings thereon.

Witness Hon. John W. Kailua, Judge of the Circuit Court of the Second Circuit, at Wailuku, Maui, this 12th day of May, 1902.

(Sig.) L. R. CROOK,

Clerk.

Territory of Hawaii, Island of Maui, Oahu.

I hereby certify that the foregoing is a full, true and correct copy of the original summons in said cause and that the said court ordered publication of the same and continuance of said cause until the next December, A. D. 1902, Term of this Court.

R. CROOK,
Clerk of the Circuit Court, Second Circuit, Territory of Hawaii. (Seal.)
Sept. 16, 23, 30; Oct. 7, 14, 21, 28.